



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

ml

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

08/863,037 05/23/97 WEINSTEIN

B 01985-P0032A

LM02/0110
ST ONGE STEWARD JOHNSTON & REENS
986 BEDFORD STREET
STAMFORD CT 06905-5619

EXAMINER

DALENCOURT, Y

ART UNIT

PAPER NUMBER

2735

12

DATE MAILED:

01/10/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/863,037

Applicant(s)
Bernard A. Weinstein

Examiner
Yves Dalencourt

Group Art Unit
2735



☒ Responsive to communication(s) filed on Nov 8, 1999

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-4 and 11-17 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-4 and 11-17 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2735

DETAILED ACTION

This action is responsive to amendment filed on 11/08/1999.

Drawings

1. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Response to Arguments

2. Applicant's arguments filed on 11/08/1999 have been fully considered but they are not persuasive.

Regarding applicant's argument (pages 2 & 3), the examiner maintains that Potter et al does suggest that confirmation data be generated and transmitted by the host computer system upon receipt of the market condition to be monitored, and then that a separate signal be sent to the user if and when the specified maket condition is found to exist (col. 3, lines 1 - 42).

For the sake of argument, many systems for monitoring market conditions are well known in the art. These systems usually monitor market conditions related to desired customers' transactions. One skilled in the art would have been motivated to modify Potter et al's device to include a monitoring system therein in order to provide a desired customer transaction, thus increasing the reliability and integrity of the overall system of Potter et al.

In view of such, the rejection is sustained and repeated as follows:

Art Unit: 2735

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 - 2, 4, 11 - 12, and 14 - 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Potter et al (US 5787402; hereinafter Potter) in view of Higgins (US 5270922; hereinafter Higgins).

5. Regarding claims 1, 11, and 15, Potter et al teaches a method and system for performing automated financial transactions involving foreign currencies which comprises a user computer for specifying a market condition to be monitored and a corresponding client ID (10, figure 1); an electronic source of updated market data (col. 14, lines 9 - 29); a host computer system including a database for receiving and storing a plurality of the market conditions specified for monitoring and the corresponding client IDs (100, figure 2; col 5, lines 50 - 59 & paragraph bridging between col. 4 and col. 5); confirmation data generated and transmitted by said host computer system upon receipt of the specified market condition and corresponding client ID by said database, said confirmation data indicating that the specified market condition has been received

Art Unit: 2735

by said host computer and will be monitored, and a transmitter responsive to said signal for transmitting notification of the specified market condition (col. 3, lines 1 - 11 & lines 37 - 42).

6. Plotter et al fails to specifically teach a monitoring program executable on said host computer system for comparing each of the specified market conditions stored on said host computer system and said source of updated market data to determine if a specified market condition is found in said source of updated market data, said monitoring program generating a signal if a specified market condition is found to exist, the signal indicative of the found specified market condition and the corresponding client ID stored on said host computer system.

7. However, Higgins teaches, in an art related field of market data notification, a system for distributing, processing and displaying financial information which comprises a monitoring program executable on said host computer system for comparing each of the specified market conditions stored on said host computer system and said source of updated market data to determine if a specified market condition is found in said source of updated market data, said monitoring program generating a signal if a specified market condition is found to exist the signal indicative of the found specified market condition and the corresponding client ID stored on said host computer system (figure 4; col. 8, lines 38 - 63) for the purpose of providing apparatus and methodology to communicate and display information useful for securities brokers, investors, and others concerned with financial markets.

Art Unit: 2735

8. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included an electronic source of updated market data; and a monitoring program executable on said host computer system for comparing each of the specified market conditions stored on said host computer system and said source of updated market data to determine if a specified market condition is found in said source of updated market data, said monitoring program generating a signal if a specified market condition is found to exist the signal indicative of the found specified market condition and the corresponding client ID stored on said host computer system in Plotter et al's system as taught by Higgins for the purpose of providing apparatus and methodology to communicate and display information useful for securities brokers, investors, and others concerned with financial markets.

9. Regarding claims 2, 12, and 17, Potter et al and Higgins teach all the limitations, and Higgins further teaches a program executable on said user computer for providing share price momentum as market condition to be monitored (col. 8, lines 38 - 43).

Regarding claim 14, Potter et al and Higgins teach all the limitations, and Kosaka further teaches a computer aided real-time decision support system and method wherein said user computer includes a communication server (44, figure 1; col. 4, lines 54 - 59).

10. Claims 3 and 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Potter et al and Higgins as applied to claim 11, above, and further in view of Vanden Heuvel et al (US 5281962; hereinafter Vanden Heuvel).

Art Unit: 2735

Regarding claim 13, Potter et al and Higgins teach all the limitations but fail to specifically teach a system wherein said user computer specifies the market condition to be monitored in electronic mail format.

However, Vanden Huevel et al teaches, in an art related field of providing information to users, a reliable information service message delivery system wherein said user computer specifies the market condition to be monitored in electronic mail format (col. 3, lines 24 - 38) for the purpose of reliably delivering information service messages to communication receiver in a communication system.

Thus, it would have been obvious to one of ordinary skill in the art to have used a system wherein said user computer specifies the market condition to be monitored in electronic mail format in Potter et al and Higgins's system as taught by Vanden Huevel for the purpose of reliably delivering information service messages to communication receiver in a communication system.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

Serial Number: 08/863,037

Page 7

Art Unit: 2735

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yves Dalencourt whose telephone number is (703) 308-8547. The examiner can normally be reached on Monday through Thursday from 7:30AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik, can be reached on (703) 305-4704. The fax phone number for this Group is (703) 308-6743.


Serial Number: 08/863,037

Page 8

Art Unit: 2735

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-8576.

Yves Dalencourt


January 04, 2000


BRIAN ZIMMERMAN
PRIMARY EXAMINER